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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,261	06/06/2001	Tandy G. Willeby	017402.000009	5178

  

25883	7590	09/10/2007
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EXAMINER	
BROWN, CHRISTOPHER J	

  

ART UNIT	PAPER NUMBER
2134	

  

NOTIFICATION DATE	DELIVERY MODE
09/10/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dalpat.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/874,261	<b>Applicant(s)</b> WILLEBY, TANDY G.	
	<b>Examiner</b> Christopher J. Brown	<b>Art Unit</b> 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11,13-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-22 and 24 is/are rejected.
- 7) ☒ Claim(s) 8,18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The Request for Continued Examination has been accepted and entered.

### ***Response to Arguments***

Applicant's arguments, filed 6/04/07, have been fully considered and are persuasive. The USC 112 rejection of claim 21 has been withdrawn.

Applicant's arguments filed 6/04/2007 have been fully considered but they are not persuasive.

Applicant argues as per claims 1, 2, 8, 11, 13, 18, and 22-25 that claim 1 has been amended so that determination of the geographic location associated with the IP address and the confirmation that the determined geographic location is associated with an authorized geographic location all occur at the server system. The applicant argues that all geographic location authorization is performed by one "server system", eliminating the need to have the server system transmit authorization requests to outside entities.

Applicant argues Russell US 2002/0069420 teaches a system where an external service must be used.

The examiner argues that the amended claims state "server system". Server system, read with the broadest reasonable interpretation, may include several servers, in a networked system. The limitation does not limit all functionality to only 1 server.

Art Unit: 2134

Additionally the specification [0024] states that a physical location is authenticated by the server system 210 by extracting the IP address of the client system 220, and looking this address up on name server 230. Thus the examiner contends that the instant invention uses external, or additional servers in a "server system" in order to authenticate a geographic location.

### ***Claim Objections***

Claims 8, and 18 are objected to because of the following informalities: Each claim contains a duplicate "the" prior to the amendment "the generated geographic location". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 11, 13, 21, 22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Russell US 2002/0069420.**

Art Unit: 2134

As per claims 1, and 11 Russell teaches receiving at the server system, a request for a server resource from the client system (submit a request to download content items from server) [0087]. Russell teaches determining an IP network address of the client system at the server system (request to server includes clients IP address) [0091]. Russell teaches determining at the server system a geographic location associated with the determined IP network address of the client system ( main server passes client IP address to an IP address database)[0056][0091]. Russell teaches confirming at the server system that the determined geographic location associated with the IP network address is address is associated with an authorized geographic location and validating the client system to have access to the server resource in accordance with such confirmation ( main server determines if the IP address is in a geographic region the content may be delivered, and allow or disallow access in said region) [0091] [0092].

As per claims 3, 13 Russell teaches the confirming step occurs by searching a database residing on a name-server system accessible by the server system geographic location is determined from a name-server entry corresponding to the network address of the client system (special function servers that associate geographic location with a user network device, or IP address of user) [0056].

As per claim 21 Russell teaches receiving at the server system, a request for a server resource from the client system (submit a request to download content items from server)

Art Unit: 2134

[0087]. Russell teaches determining an IP network address of the client system at the server system (request to server includes clients IP address) [0091]. Russell teaches defining at the server a geographic location associated with the network address (receives geographic location associated with IP address) [0092]. Russell teaches confirming at the server system that the determined geographic location associated with the IP network address is address is associated with an authorized geographic location and validating the client system to have access to the server resource in accordance with such confirmation (main server determines if the IP address is in a geographic region the content may be delivered, and allow or disallow access in said region) [0091] [0092].

As per claims 22, and 24 Russell teaches validating a user accessing the server through the client (verify the user has purchased a license) [0091].

**Claims 4, 6, 7, 8 10, 14, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell US 2002/0069420 in view of Alcorn US 6,104,815.**

As per claims 4, 14 Russell fails to teach the confirming step includes determining the true geographic location of the client system from a global positioning system receiver on the client system.

Alcorn teaches the confirming step includes determining the true geographic location of the client system from a global positioning system receiver on the client system (client

Art Unit: 2134

sends its GPS location to the server, this data is used to authenticate access)(column 6 line 64- column 7 line 8, 13-20).

It would have been obvious to one of ordinary skill in the art to use the GPS of Alcorn with the system of Russell because it provides very accurate position information (Col 6 lines 27-30).

As per claims 6, and 10, 16, 20 Russell fails to teach the server resource includes an on-line gambling application.

Alcorn teaches the server resource includes an on-line gambling application (casino server game) (column 8 lines 3-20).

It would have been obvious to one of ordinary skill in the art to use the gambling application of Alcorn with the system of Russell because allows remote users to legally gamble at legal casino sites (Col 4 lines 4-8).

As per claim 7, 17 Russell fails to teach receiving a passcode from the client system.

Alcorn teaches entering a passcode for verification (entering a PIN at the remote terminal) (Col 3 line 61, Col 7 lines 3-7).

It would have been obvious to one of ordinary skill in the art to use the passcode of Alcorn with the system of Russell because the passcode enhances the security of the system.

Art Unit: 2134

As per claims 8, and 18. Russell teaches a client system, access to a server resource on a server system, (submit a request to download content items from server)[0087]. Russell teaches selectively receiving access to the server resource over the IP network depending on a validation of the client system by the server system by confirming that the generated geographic location corresponds to an authorized geographic location ( main server determines if the IP address is in a geographic region the content may be delivered, and allow or disallow access in said region) [0091] [0092].

Russell does not teach generating a geographic location of the client system at the client system and sending the generated geographic location of the client system to the server system over the IP network.

Alcorn teaches generating a geographic location of the client system at the client system and sending the generated geographic location of the client system to the server system over the IP network. (client sends its GPS location to the server via the internet, this data is used to authenticate access)(column 6 line 64- column 7 line 8, 13-20).

It would have been obvious to one of ordinary skill in the art to use the GPS of Alcorn with the system of Russell because it provides very accurate position information (Col 6 lines 27-30).

**Claims 5, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell US 2002/0069420 in view of Joao US 5,903,830.**



As per claim 5, and 15 Russell fails to teach the server resource includes an automatic-teller application.

Joao teaches a server resource includes an automatic-teller application (central processing computer authorizes transaction and account requests from an ATM machine) (column 8 lines 33-40). It would have been obvious to one of ordinary skill in the art to use the automatic teller application of Joao with the system of Russell because it allows the user to conduct secure financial transactions (column 8 lines 32-36).

**Claims 9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell US 2002/0069420 in view of Alcorn US 6,104,815 in view of Joao US 5,903,830.**

As per claims 9, and 19 the Russell-Alcorn combination fails to teach the server resource includes an automatic-teller application.

Joao teaches a server resource includes an automatic-teller application (central processing computer authorizes transaction and account requests from an ATM machine) (column 8 lines 33-40). It would have been obvious to one of ordinary skill in the art to use the automatic teller application of Joao with the system of Russell because it allows the user to conduct secure financial transactions (column 8 lines 32-36).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Brown

8/29/07

A handwritten signature in cursive script, appearing to read "Christopher J. Brown", written in black ink.